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**SUPERIOR COURT OF CALIFORNIA
FOR LOS ANGELES COUNTY**

SAM LUTFI, an individual,
Plaintiff,

vs.

**LYNNE IRENE SPEARS, an
individual; JAMES PARNELL
SPEARS, an individual; BRITNEY
JEAN SPEARS, an individual; and
DOES 1 through 25, inclusive,**

Defendants.

Case No. BC 406904

**OPPOSITION TO CONSERVATORS'
MOTION IN LIMINE NO. 1**

**[Quash C.C.P. §1987 Notice -
Britney Spears to Testify at Trial]**

Final Status Conference:

Date: 9/25/12

Time: 10:00 a.m.

**Dept: 71 (Hon. Soussan G.
Bruguera)**

Filed: 2/3/09

Trial: 10/1/12

DCO: 12/24/11

**TO THIS HONORABLE COURT AND TO DEFENDANTS AND TO THEIR
COUNSEL OF RECORD HEREIN:** Plaintiff Sam Lutfi hereby respectfully
submits his Opposition to Motion in Limine No. 1 filed by the Conservators,
in loco Britney Spears:

**CONDITIONALLY UNDER SEAL
PURSUANT TO PROTECTIVE ORDER
This Document is Subject to a
Notice Given Under CRC §2.551(b)(3)**

Opposition to Motion in Limine No. 1 filed by Conservators
(Quash C.C.P. §1987 Notice for Britney Spears to Testify at Trial)
LASC No. BC406904

EXHIBIT 5

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2 **Opposition to Conservators' Motion in Limine No. 1**
3 **(Quash C.C.P. §1987 Notice for Britney Spears to Testify at Trial)**

4 Under California law even a gravely mentally ill person may testify so
5 long as they are capable of expressing themselves and "understanding the
6 duty of a witness to tell the truth. . . ." Evid.C. §701; People v. Anderson
(2001) 25 Cal.4th 543, 572-573.

7 The Conservators object to Britney's testimony on grounds of mental
8 incapacity. As such, they have the *burden* of proving incompetency. See,
9 Anderson, supra, 25 Cal.4th at 573 ("[T]he burden of proof is on the party who
10 objects to the proffered witness [as mentally incompetent].")

11 The Conservators' Motion to Quash the C.C.P. §1987 notice does not
12 include any medical evidence. As such, they failed to meet their burden of
13 proof and the motion should be summarily denied.

14 Alternatively, the Court could conduct a *competency hearing* and
15 examine Britney Spears to determine whether she can testify. This procedure
16 was endorsed by the California Supreme Court in Anderson, a case where a
17 prosecution witness suffered from delusions – including a belief that her
18 *imaginary son* was present during a murder. The Court held that allowing the
19 delusional witness to testify was proper because:

20 "[T]he grounds upon which a trial court may disqualify a witness
21 as incompetent. . .are exceptionally narrow. The witness must be
22 allowed to testify unless he or she cannot communicate
23 intelligibly or understand the duty to tell the truth. . . .In many
24 cases, psychiatric testimony, itself 'inherently [subject to] expert
25 debate' (People v. Gonzalez (1990) 51 Cal.3d 1179, 1247), would
26 be less useful on these issues than the court's own evaluation of
27 the witness's demeanor and responses in light of all the evidence.
28 (See, e.g., Alcala, supra, 4 Cal.4th 742, 781.) ¶Here, the extensive

1 record of the competence hearing manifestly discloses that Baros
2 was a coherent communicator, and her understanding of the
3 specific duty to give truthful testimony was also not in serious
4 dispute or doubt. Thus, there seems little basis on which a
5 psychiatric evaluation could have affected a ruling on her
6 qualifications as a competent court witness." Anderson, supra, 25
7 Cal.4th at 576-577.
8

9 **A. Offer of Proof: The Testimony of Britney Spears**

10 Sam Lutfi was with Britney Spears for more than a year, so she is a
11 percipient witness to almost all of the factual disputes in the case. In that
12 context, Mr. Lutfi proffers Britney's testimony as follows:

13 • Britney's testimony should rebut the Conservators' denial there
14 was a management contract. Moreover, Britney is expected to testify that she
15 *told* her father, Conservator James Parnell Spears ("James Parnell"), that she
16 *did* have an contract with Mr. Lutfi, but James Parnell issued discovery
17 responses, purportedly on behalf of Britney, *falsely denying* the existence of
18 the oral management contract.¹

19 • Britney should testify the management relationship with Mr. Lutfi
20 commenced in June, 2007; it was expressly agreed (and memorialized) on
21 October 13, 2007 that it would last for four years; it was further agreed that
22 either party could terminate without cause on 90 days notice or with cause on
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26 ¹ Declaration of Joseph D. Schleimer, ¶2
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1 30 days notice.²

2 • Britney should testify she agreed that Mr. Lutfi would receive a
3 management fee of 15% of Britney's gross income, and she understood that is
4 a standard rate for managers in the music industry.³

5 • Britney should testify she told Sam Lutfi his 15% management fee
6 would yield \$120,000 a month while she wasn't working, based on her passive
7 income from record sales, music publishing and product endorsements; and
8 this figure would skyrocket when she released an album and a music video
9 (which Britney and Lutfi were working on together), and went on tour,
10 because she could generate tens of millions of dollars a month while on tour.⁴

11 • Britney's testimony should refute the allegation by the
12 Conservators, and by Lynne Spears ("Lynne") in her libelous book, that Mr.
13 Lutfi "drugged" Britney's food and supplied her with amphetamine.⁵

14 • Britney is expected to testify that, throughout the relationship,
15 Mr. Lutfi made energetic efforts to *stop* her from abusing drugs.⁶

16 • Britney's testimony should refute the allegation by the
17 Conservators, and in Lynne's libelous book, that Sam Lutfi sought to isolate
18 Britney by cutting her telephone wires, disabling her automobiles and
19 disabling her cell phones. Among other things, Britney should testify the
20

21 ² Schleimer Dec., ¶2

22 ³ Schleimer Dec., ¶2

23 ⁴ Schleimer Dec., ¶2

24 ⁵ Schleimer Dec., ¶2

25 ⁶ Schleimer Dec., ¶2

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1 telephones worked, the cell phones worked, the automobiles worked, and
2 there was never any factual basis for Lynne's allegations.⁷

3 • Britney's testimony should disprove the "Svengali"
4 characterization in Lynne's libelous book, including the false allegation Mr.
5 Lutfi tried to drive a wedge between mother and daughter. Among other
6 things, Britney is expected to testify that Sam Lutfi encouraged her to
7 *reconcile* with her mother; and toward that end Mr. Lutfi engineered an
8 emotional mother-daughter reunion in October, 2007 at Britney's home.⁸

9 • Britney should testify she was estranged from her mother when
10 she met Sam Lutfi, but he persuaded her to end the estrangement. As part of
11 this testimony, Britney will authenticate Exhibit 21 – a photograph of Lynne
12 and Britney hugging each other during the October, 2007, mother-daughter
13 reunion which Mr. Lutfi organized.⁹

14 • Britney should testify she was planning to seek a Temporary
15 Restraining Order (TRO) against her abusive, alcoholic father, James Parnell,
16 who moved from Louisiana to Los Angeles, was working part time as a cook,
17 needed money, and was *harassing* her.¹⁰

18 • Britney should further testify that Sam Lutfi talked her out of
19 seeking a TRO against James Parnell because Mr. Lutfi felt that "suing her
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22 ⁷ Schleimer Dec., ¶2

23 ⁸ Schleimer Dec., ¶2

24 ⁹ Schleimer Dec., ¶2

25 ¹⁰ Schleimer Dec., ¶2

1 father" would be a public relations disaster.¹¹

2 • Britney should testify she told Sam Lutfi her father was a violent
3 racist and she predicted James Parnell would ultimately attack Mr. Lutfi
4 because of his dark complexion and foreign-sounding name.¹²

5 • Britney should testify that, despite this concern, Mr. Lutfi urged
6 her to "make peace" with her father.¹³

7 • Britney should testify that Sam Lutfi's effort to reconcile Britney
8 with her father ended abruptly – when James Parnell threatened Mr. Lutfi
9 with violence in the text message of December 17, 2007.¹⁴

10 • Britney is expected to authenticate Exhibit 11, since she was with
11 Mr. Lutfi on December 17, 2007, when James Parnell sent Plaintiff the
12 following text message:

13 "If and when I met u one thing is going to happen I am going to
14 jail and u r going to the hospital."¹⁵

15 • Britney is expected to testify she said "I told you so" to Sam Lutfi,
16 when the above-quoted text message was received from her father.¹⁶

17 • Britney should testify that, when Mr. Lutfi first agreed to serve as
18 her manager in June, 2007, he imposed a *condition*: Britney had to agree to

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20 ¹¹ Schleimer Dec., ¶2

21 ¹² Schleimer Dec., ¶2

22 ¹³ Schleimer Dec., ¶2

23 ¹⁴ Schleimer Dec., ¶2; Exhibit 11

24 ¹⁵ Schleimer Dec., ¶2; Exhibit 11

25 ¹⁶ Schleimer Dec., ¶2

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1 stop using drugs.¹⁷

2 • Britney should testify that she *agreed* to that condition, and as
3 part of the June, 2007 agreement she consented to Mr. Lutfi bringing *drug-*
4 *sniffing dogs* into her home, to locate and destroy her "stash."¹⁸

5 • Britney should testify that Mr. Lutfi brought the drug-sniffing
6 dogs into her home on June 13, 2007, and they found a cache of crystal
7 methedrine, which was destroyed.¹⁹

8 • Britney should further testify the drug dogs found "hot spots" of
9 drug residue in the carpeting, where her young sons (ages 1 and 3) played
10 during visits.²⁰

11 • Britney should testify that Sam Lutfi shampooed, then ripped out
12 and replaced, *all of the carpeting in the residence*, to get rid of the drug residue
13 "hot spots."²¹

14 • Britney should testify she relapsed and breached their agreement
15 by abusing drugs and alcohol in September, 2007; and Mr. Lutfi threw his
16 hands up, walked away, and stayed away for approximately two weeks.²²

17 • Britney should further testify that, on or about October 1, 2007,
18 she lost custody of her children due to her drug and alcohol abuse; and then
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20 ¹⁷ Schleimer Dec., ¶2

21 ¹⁸ Schleimer Dec., ¶2

22 ¹⁹ Schleimer Dec., ¶2

23 ²⁰ Schleimer Dec., ¶2

24 ²¹ Schleimer Dec., ¶2

25 ²² Schleimer Dec., ¶2

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1 she contacted Mr. Lutfi, begged him to return as her manager, and promised
2 to get "clean."²³

3 • Britney should testify that, when Mr. Lutfi agreed to return, on or
4 about October 1, 2007, he *moved into her residence* and began spending 24
5 hours a day as her "minder," to keep her off drugs.²⁴

6 • Britney should testify that, before hiring Mr. Lutfi, she had *fired*
7 her previous manager, talent agent, and lawyer; and Mr. Lutfi then tried to
8 build her a new "varsity" team by taking her to see Donald S. Passman, Esq.,
9 of Gang Tyre Ramer & Brown, one of the most respected and powerful music
10 lawyers in the industry; and Kevin Huvane, a managing partner at CAA, the
11 most powerful talent agency in the world.²⁵

12 • Britney should testify that Lynne Spears lied in her book when
13 she wrote that Mr. Lutfi was a "Svengali" who sought to isolate, dominate and
14 control Britney. Among other things, Britney should testify that Mr. Lutfi did
15 the exact opposite by, *inter alia*, urging her to retain powerful – and
16 independent – legal and career advisors.²⁶

17 • Britney should testify that Lynne Spears lied when she accused
18 Mr. Lutfi of taking control of Britney's money. Britney is expected to testify
19 that Harold Grossman, C.P.A. was her business manager and she selected
20 him herself; that Mr. Grossman reported to her, not to Mr. Lutfi; that Britney
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22 ²³ Schleimer Dec., ¶2

23 ²⁴ Schleimer Dec., ¶2

24 ²⁵ Schleimer Dec., ¶2

25 ²⁶ Schleimer Dec., ¶2

1 signed her own checks; and Mr. Lutfi never attempted to gain control of her
2 money.²⁷

3 • Britney should testify that, as of the date of the assault of
4 January 28, 2008, her father, James Parnell, was permanently banned from
5 her home, and James Parnell knew it; that James Parnell snuck past the
6 security gate that evening without her consent; that she learned her father
7 was past the gate and on his way to her residence; and she feared violence
8 from her father, so she fled in an automobile, called security and had him
9 ejected.²⁸

10 • Britney's testimony should lay a foundation for the admission of
11 Exhibits 4, 4A, 7-13A, 19-21, 31, 32, 35-40, 43, 47, and 60-62.²⁹

12 Plaintiff contends the Conservators seek to bar Britney from testifying
13 because their case is built on *falsehoods* and Britney will *contradict* them.
14 Hence, the unusual situation where the defense attorneys seek to prevent the
15 *primary defense witness* from testifying; whereas the Plaintiff wishes to call
16 Defendant as the cornerstone of his case-in-chief.

17 Plaintiff contends he will not get a fair trial unless he is allowed to
18 present Britney's testimony – to refute a long list of *smears* perpetrated by
19 Lynne Spears and Conservator James Parnell Spears. Accordingly, the motion
20 should be denied and Plaintiff's motion to compel compliance with the C.C.P.
21 §1987 notice should be *granted*.

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24 ²⁷ Schleimer Dec., ¶2

25 ²⁸ Schleimer Dec., ¶2

26 ²⁹ Schleimer Dec., ¶2

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2 **B. This Court Has Plenary Jurisdiction To Determine**
3 **Whether Britney Spears is Competent to Testify**

4 Instead of submitting medical evidence, the Conservators move to
5 quash based solely on their assertion this Court *lacks jurisdiction* to call
6 Britney Spears to the witness stand.³⁰

7 Plaintiff disagrees. The L.A. Superior Court Assignment Order gives
8 *plenary* jurisdiction over this case to the assigned I/C Department, and the
9 case is assigned to Department 71.³¹ The "all purposes" Assignment Order
10 instructs counsel to comply with the Superior Court Rules, and former LASC
11 Rule 7.3(i) and new Rule 3.3.(i) clearly state that the I/C Judge "shall
12 schedule, hear and decide" *all* matters in the case.

13 Since this Department clearly does have jurisdiction, the Conservators'
14 argue that jurisdiction over Britney was divested by an 18-month-old order by
15 the probate department.³²

16 The easiest way to dispose of that argument is, by observing that order
17 is *stale*, since it is based on Britney's supposed mental state 18 months ago.
18 Since then, she has performed a \$15,000,000, Court-approved personal
19 services contract as a judge on the television program the *X Factor*.³³ The DVD
20 video from that program, which Plaintiff submitted, demonstrates that Britney
21

22 ³⁰ Conservators MIL 1 at 1:13-15

23 ³¹ Exhibit 65 (emphasis added)

24 ³² Exhibit 64

25 ³³ Schleimer Dec., ¶
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1 is lucid, alert, oriented, articulate, and perfectly capable of testifying.³⁴ As
2 such, the 18-month-old probate order is *obsolete*.

3 The Court should be aware of the highly-irregular proceeding in which
4 the probate order issued. The procedural history is set forth in the
5 Declaration of Joseph D. Schleimer, Esq.:

6 "On April 13, 2011, I served a notice setting Britney Spears
7 deposition for April 28, 2011. Exhibit 63. I was informed she
8 wasn't going to appear and expected a standard 'meet and confer'
9 to follow, to be resolved by the Hon. Zaven V. Sinanian, who was
10 then presiding in this case. Instead, on April 27, 2011 attorneys
11 Samuel Ingham, Jeryl Cohen and Andrew Wallet went 'judge
12 shopping' and presented a secret, ex parte 'Petition for
13 Instructions' in the matter styled In re Conservatorship of Britney
14 Jean Spears, No. BP 108870, asking the probate department to
15 prohibit the taking of Britney Spears' deposition in *this* case, Lutfi
16 v Spears, BC406904. Although I was counsel of record in Lutfi v
17 Spears, I was not given notice of the ex parte hearing, which took
18 place in secret, with only attorneys from the other side present.
19 To this day I have never been allowed to see the Petition, nor the
20 evidence submitted with it, which remain secret and under seal.
21 On May 2, 2011, I received a letter from Joel Boxer, Esq.,
22 transmitting the orders which the probate department executed
23 during the secret hearing. (Exhibit 64) The letter from Mr. Boxer
24 was the first time I heard about the secret petition and private

25
26 ³⁴ Exhibit 60, on file herein.

1 meeting with the Judge in the probate department. I asked Mr.
2 Boxer for a copy of the 'Petition for Instructions' but he refused to
3 give me a copy. I asked the identity of the medical expert referred
4 to in the order, but that information was withheld. To prevent any
5 public scrutiny of the secret proceedings, the probate department
6 sealed the entire record on the Petition, including the secret order
7 itself.³⁵

8 In other words, rather than moving for a protective order from Judge
9 Sinanian, who was presiding in this case, the Conservators raced to the
10 courthouse, took the issue to another department in violation of the I/C
11 Rules, then aggravated their misconduct by *meeting privately* with the Judge
12 in the other department without giving notice to Mr. Lutfi. The probate
13 department then ruled based on *secret evidence*, which Plaintiff's counsel has
14 yet to see, then sealed the file, so its actions would not be subject to public
15 scrutiny.

16 Mr. Lutfi was not a party to the irregular proceedings in the probate
17 department, so the now-stale order which emerged from the private meeting
18 in that department is not binding on Mr. Lutfi. Hernandez v. City of Pomona
19 (2009) 46 Cal.4th 501, 511 ("[T]he party against whom preclusion is sought
20 must be the same as. . .the party to the former proceeding."); Plumley v.
21 Mockett (2008) 164 Cal.App.4th 1031, 1048-1049 ("Collateral estoppel
22 precludes the relitigation of an issue only if. . .the party against whom
23 collateral estoppel is asserted was a party to the prior proceeding. . .")

24 Plaintiff submits the probate order should be *narrowly construed*

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26 ³⁵ Schleimer Dec., ¶3
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1 because of the irregular procedure which generated it. By its terms, that order
2 is directed at the Conservators, purporting to give them "instructions." The
3 Conservators sought an order *directed at themselves*, and that is all they
4 procured, since the order cannot bind Mr. Lutfi, who was not a party to the
5 proceedings.

6 The impropriety of the secret meeting from which the order emerged is
7 underscored by the absence of any *emergency*. The one-sided ex parte took
8 place the day before Britney Spears' deposition, but the deposition was not
9 going forward and the "meet and confer" had not even begun. This was not
10 the kind of emergency which justifies a private meeting with a Judge without
11 notice to the other side. Such a meeting requires proof of "irreparable harm,
12 immediate danger, or other statutory basis for granting ex parte relief" as
13 required by CRC 3.1202(c). As stated in former LASC Rule 7.12(j)(3):

14 "Where the Rules permit an ex parte application or
15 communication to the court in an emergency situation,
16 a lawyer should make such an application or communication
17 . . . only where there is a *bona fide emergency* such that the
18 lawyer's client will be seriously prejudiced by a failure to make
19 the application or communication on regular notice."

20 By conducting a *private meeting* with the probate department, excluding
21 Plaintiff, and in that fashion purporting to adjudicate Mr. Lutfi's right to call a
22 crucial witness, the Conservators' attorneys acted unethically. They also
23 infringed Plaintiff's Due Process rights. As stated in Carabini v. Superior
24 Court (1994) 26 Cal.App.4th 239, 243-244:

25 "Code of Civil Procedure section 1005 specifies those motions
26 requiring written notice. . . . However, section 1005 is not all-
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1 inclusive. . . ¶ *Due process* requires an order with such significant
2 impact on the viability of a case not be made without a full
3 opportunity to brief the issues and present evidence. This is true
4 whether the issue is presented in a motion or by way of an order
5 to show cause issued by the court."

6 **Conclusion**

7 The Conservators had the burden of proof but presented *no evidence* to
8 support their claim of mental incapacity. On that basis alone, the motion
9 should be denied.

10 Alternatively, this Court should conduct a *competency hearing*, examine
11 Britney Spears on the record, and make a direct determination whether she
12 has the capacity to testify.

13 ***Respectfully submitted,***

14 **Dated: September 10, 2012**

**JOSEPH D. SCHLEIMER
ATTORNEY AT LAW**

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18 BY: 
19 **Joseph D. Schleimer, Attorney
for Plaintiff Sam Lutfi**
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Declaration of Joseph D. Schleimer, Esq.
in Opposition to Conservators' Motion in Limine No. 1

I, *Joseph D. Schleimer*, do declare and state:

1. I am an attorney at law, duly licensed to practice before this Honorable Court, and I am counsel of record for Plaintiff Sam Lutfi in this action. If called and sworn as a witness, I could and would testify to the matters set forth herein from personal knowledge.

2. **Offer of Proof:** I attempted to depose and conduct an independent medical examination of Britney Spears ("Britney") but I was allowed to do neither. As a result, I make this declaration on information and belief. I am informed and believe that if I am allowed to call her to the witness stand, Britney will testify as follows:

- Britney's testimony should rebut the Conservators' denial there was a management contract. Moreover, Britney is expected to testify that she *told* her father, Conservator James Parnell Spears ("James Parnell"), that she *did* have an contract with Mr. Lutfi, but James Parnell issued discovery responses purportedly on behalf of Britney, *falsely denying* the existence of the oral management contract. In other words, on the central factual issue of the cause of action involving the most money, Britney is expected to testify her father-Conservator *lied*.

- Britney should testify the management relationship with Mr. Lutfi commenced in June, 2007; it was expressly agreed (and memorialized) on October 13, 2007 that it would last for four years; it was further agreed that either party could terminate without cause on 90 days notice or with cause on 30 days notice.

- Britney should testify she agreed that Mr. Lutfi would receive a

1 management fee of 15% of Britney's gross income, and she understood that is
2 a standard rate for managers in the music industry.

3 • Britney should testify she told Sam Lutfi his 15% management fee
4 would yield \$120,000 a month while she wasn't working, based on her passive
5 income from record sales, music publishing and product endorsements; and
6 this figure would skyrocket when she released an album, a music video
7 (which Britney and Lutfi were working on together), and went on tour,
8 because she could generate tens of millions of dollars a month while on tour.

9 • Britney's testimony should refute the allegation by the
10 Conservators, and by Lynne Spears ("Lynne") in her libelous book, that Mr.
11 Lutfi "drugged" Britney's food and supplied her with amphetamine.

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13 Mr. Lutfi made energetic efforts to *stop* her from abusing drugs.

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15 Conservators, and in Lynne's libelous book, that Sam Lutfi sought to isolate
16 Britney by cutting her telephone wires, disabling her automobiles and
17 disabling her cell phones. Among other things, Britney should testify the
18 telephones worked, the cell phones worked, the automobiles worked, and
19 there was never any factual basis for Lynne's allegations.

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21 characterization in Lynne's libelous book, including the false allegation Mr.
22 Lutfi tried to drive a wedge between mother and daughter. Among other
23 things, Britney is expected to testify that Sam Lutfi encouraged her to
24 *reconcile* with her mother; and toward that end Mr. Lutfi engineered an
25 emotional mother-daughter reunion in October, 2007 at Britney's home.

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1 she met Sam Lutfi, but he persuaded her to end the estrangement. As part of
2 this testimony, Britney will authenticate Exhibit 21 – a photograph of Lynne
3 and Britney hugging each other during the October, 2007, mother-daughter
4 reunion which Mr. Lutfi organized.

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6 Restraining Order (TRO) against her abusive, alcoholic father, James Parnell,
7 who moved from Louisiana to Los Angeles, was working part time as a cook,
8 needed money, and was *harassing* her.

9 • Britney should further testify that Sam Lutfi talked her out of
10 seeking a TRO against James Parnell because Mr. Lutfi felt that “suing her
11 father” would be a public relations disaster.

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13 racist and she predicted James Parnell would ultimately attack Mr. Lutfi
14 because of his dark complexion and foreign-sounding name.

15 • Britney should testify that, despite this concern, Mr. Lutfi urged
16 her to “make peace” with her father.

17 • Britney should testify that Sam Lutfi’s effort to reconcile Britney
18 with her father ended abruptly – when James Parnell threatened Mr. Lutfi
19 with violence in the text message of December 17, 2007 (Exhibit 11).

20 • Britney is expected to authenticate Exhibit 11, since she was with
21 Mr. Lutfi on December 17, 2007, when James Parnell sent Plaintiff the
22 following text message:

23 “If and when I met u one thing is going to happen I am going to
24 jail and u r going to the hospital.”

25 • Britney is expected to testify she said “I told you so” to Sam Lutfi,
26 when the above-quoted text message was received from her father.

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2 her manager in June, 2007, he imposed a *condition*: Britney had to agree to
3 stop using drugs

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5 part of the June, 2007 agreement she consented to Mr. Lutfi bringing *drug-*
6 *sniffing dogs* into her home, to locate and destroy her "stash."

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12 during visits.

13 • Britney should testify that Sam Lutfi shampooed, then ripped out
14 and replaced, *all of the carpeting in the residence*, to get rid of the drug residue
15 "hot spots."

16 • Britney should testify she relapsed and breached their agreement
17 by abusing drugs and alcohol in September, 2007; and Mr. Lutfi threw his
18 hands up, walked away, and stayed away for approximately two weeks.

19 • Britney should further testify that, on or about October 1, 2007,
20 she lost custody of her children due to her drug and alcohol abuse; and then
21 she contacted Mr. Lutfi, begged him to return as her manager, and promised
22 to get "clean."

23 • Britney should testify that, when Mr. Lutfi agreed to return, on or
24 about October 1, 2007, he *moved into her residence* and began spending 24
25 hours a day as her "minder," to keep her off drugs.

26 • Britney should testify that, before hiring Mr. Lutfi, she had *fired*
27
28

1 her previous manager, talent agent, and lawyer; and Mr. Lutfi then tried to
2 build her a new "varsity" team by taking her to see Donald S. Passman, Esq.,
3 of Gang Tyre Ramer & Brown, one of the most respected and powerful music
4 lawyers in the industry; and Kevin Huvane, a managing partner at CAA, the
5 most powerful talent agency in the world.

6 • Britney should testify that Lynne Spears lied in her book when
7 she wrote that Mr. Lutfi was a "Svengali" who sought to isolate, dominate and
8 control Britney. Among other things, Britney should testify that Mr. Lutfi did
9 the exact opposite by, *inter alia*, urging her to retain powerful – and
10 independent – legal and career advisors.

11 • Britney should testify that Lynne Spears lied when she accused
12 Mr. Lutfi of taking control of Britney's money. Britney is expected to testify
13 that Harold Grossman, C.P.A. was her business manager and she selected
14 him herself; that Mr. Grossman reported to her, not to Mr. Lutfi; that Britney
15 signed her own checks; and Mr. Lutfi never attempted to gain control of her
16 money.

17 • Britney should testify that, as of the date of the assault of
18 January 28, 2008, her father, James Parnell, was permanently banned from
19 her home, and James Parnell knew it; that James Parnell snuck past the
20 security gate that evening without her consent; that she learned her father
21 was past the gate and on his way to her residence; and she feared violence
22 from her father, so she fled in an automobile, called security and had him
23 ejected.

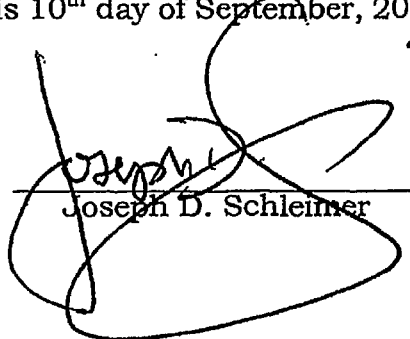
24 • Britney's testimony should lay a foundation for the admission of
25 Exhibits 4, 4A, 7-13A, 19-21, 31, 32, 35-40, 43, 47, and 60-62.

1 3. **Procedural History of Probate Order:** On April 13, 2011, I
2 served a notice setting Britney Spears deposition for April 28, 2011. Exhibit
3 63. I was informed she wasn't going to appear and expected a standard "meet
4 and confer" to follow, to be resolved by the Hon. Zaven V. Sinanian, who was
5 then presiding in this case. Instead, on April 27, 2011 attorneys Samuel
6 Ingham, Jeryl Cohen and Andrew Wallet went 'judge shopping' and presented
7 a secret, ex parte "Petition for Instructions" in the matter styled In re
8 Conservatorship of Britney Jean Spears, No. BP 108870, asking the probate
9 department to prohibit the taking of Britney Spears' deposition in *this* case,
10 Lutfi v Spears, BC406904. Although I was counsel of record in Lutfi v Spears I
11 was not given notice of the ex parte hearing, which took place in secret, with
12 only attorneys from the other side present. To this day I have never been
13 allowed to see the Petition, nor the evidence submitted with it, which remain
14 secret and under seal. On May 2, 2011, I received a letter from Joel Boxer,
15 Esq., transmitting the orders which the probate department executed during
16 the secret hearing. (Exhibit 64) The letter from Mr. Boxer was the first time I
17 heard about the secret petition and private meeting with the Judge in the
18 probate department. I asked Mr. Boxer for a copy of the 'Petition for
19 Instructions' but he refused to give me a copy. I asked the identity of the
20 medical expert referred to in the order, but that information was withheld. To
21 prevent any public scrutiny of the secret proceedings, the probate department
22 sealed the entire record on the Petition, including the secret order itself.

23 4. My response to the order of April 27, 2011 was to move for an
24 independent medical examination of Britney Spears, to determine whether she
25 was mentally capable of testifying. On June 15, 2011, my motion for an IME
26 was denied, based on the April 27, 2011 order. Thus, as of June 15, 2011, I
27
28

1 had no access to the secret medical evidence submitted on April 27, 2011; I
2 did not have an IME report of my own; and the probate department had
3 prejudged the issue after taking a private meeting with the attorneys for the
4 other side. I concluded it was futile to move to reconsider in the probate
5 department, without first moving to recuse the Judge who took the private
6 meeting and issued the secret order, based on secret evidence. That would
7 have been a huge distraction from my case, so I elected not to do it. I
8 contemplated filing a writ petition with the Court of Appeal, but this case had
9 already been delayed for *two years* by a previous appeal, so I elected to
10 proceed to trial, which was set for January 23, 2012. The trial has been
11 postponed several times since then, and circumstances have changed,
12 namely, evidence is now available (Exhibit 60) to affirmatively prove that
13 Britney Spears is competent to testify. I am informed and believe that, several
14 months ago, the probate department approved a \$15,000,000 contract for
15 Britney to appear as a judge on the *X Factor* television program. That kind of
16 employment is inconsistent with any bona fide argument she is mentally
17 incapacitated and cannot testify. Thus, due to the passage of time, and
18 *changed circumstances*, the secret order of April 27, 2011 is obsolete.

19 I hereby declare pursuant to the laws of the State of California that the
20 foregoing is true and correct. Executed this 10th day of September, 2012, at
21 Beverly Hills, California.

22
23 
24 Joseph D. Schleimer
25
26
27
28

1 Joseph D. Schleimer - Bar No. 125049
2 9401 Wilshire Boulevard, Suite 1250
3 Beverly Hills, California 90212
4 Telephone: (310) 273-9807
5 Telecopier: (310) 273-9809
6 schleimerlaw@msn.com

7 Attorney for Plaintiff Sam Lutfi

8
9 **SUPERIOR COURT OF CALIFORNIA**
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**
12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**
15 **individual; JAMES PARNELL**
16 **SPEARS, an individual; BRITNEY**
17 **JEAN SPEARS, an individual; and**
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

NOTICE OF DEPOSITION OF
BRITNEY SPEARS

20 **TO DEFENDANT BRITNEY SPEARS AND TO ALL DEFENDANTS AND**
21 **THEIR COUNSEL OF RECORD HEREIN:**

22 **PLEASE TAKE NOTICE** that Plaintiff Sam Lutfi shall take the
23 deposition of Defendant Britney Spears pursuant to C.C.P. §2025.010, et seq.,
24 commencing on April 28, 2011, at 9:00 a.m., at the offices of Joseph D.
25 Schleimer, Attorney at Law, located at 9401 Wilshire Boulevard, Suite 1250,
26 Beverly Hills, California. Said deposition shall take place before a Court
27 reporter duly authorized and licensed to administer oaths and shall be
28 transcribed stenographically and recorded on videotape.

Notice of Deposition of Defendant Britney Spears

Exhibit

63

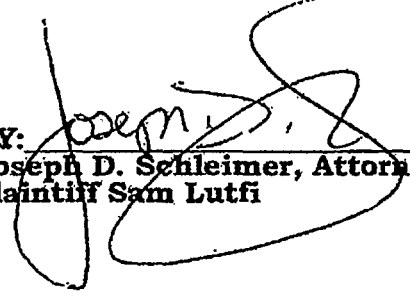
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TO THE WITNESS AND TO HER COUNSEL OF RECORD HEREIN: Pursuant to Code of Civil Procedure §2025.280(a), service of this Notice is effective to compel the attendance of the Defendant in lieu of a subpoena.

Dated: April 13, 2011

**JOSEPH D. SCHLEIMER
ATTORNEY AT LAW**

BY: 
**Joseph D. Schleimer, Attorney for
Plaintiff Sam Lutfi**

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PROOF OF SERVICE
BY FAX & U.S. MAIL

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On ***April 13, 2011*** I served the foregoing document described as: ***NOTICE OF DEPOSITION OF BRITNEY SPEARS*** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

See attached service list

BY U. S. MAIL

I deposited the sealed envelopes in the United States mail at Beverly Hills, California, addressed as stated above. The envelopes were mailed with first class postage thereon fully prepaid.

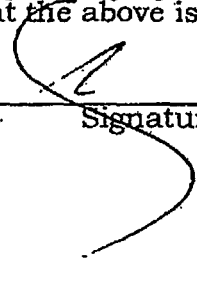
BY TELECOPIER:

I transmitted a copy of this document by telecopier to each of the fax numbers set forth on the service list.

Executed on ***April 13, 2011*** at Beverly Hills, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Joseph D. Schleimer
Type or Print Name


Signature

Service List
Lutfi v Spears

Michael S. Adler, Esq.
Joel M. Tantalo, Esq.
Tantalo & Adler LLP
1901 Avenue of the Stars, Suite 1000
Los Angeles, California 90067
Fax No. (310) 734-8696

*Attorneys for Defendant/Appellant
Lynne Spears*

Leon J. Gladstone, Esq.
Gary R. Wallace, Esq.
Gladstone Michel Weisberg Willner &
Sloane ALC
4551 Glencoe Avenue, Suite 300
Marina Del Rey, CA 90292
Fax No. (310) 775-8775

*Attorneys for Defendant James P.
Spears*

Joel E. Boxer, Esq.
Bonita D. Moore, Esq.
Bird Marella Boxer Wolpert
Nessimi Dooks & Lincenberg
1875 Century Park East, 23rd Floor
Los Angeles, California 90067
Fax No. (310) 201-2110

*Attorneys for James Spears as
Conservator of the Estate of Britney
Spears*

BIRD | MARELLA

BIRD • MARELLA • BOXER • WOLPERT • NESSIM • DROOKS & LINCENBERG

A PROFESSIONAL CORPORATION

Joel E. Boxer
jeb@birdmarella.com

1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone (310) 201-2100
Facsimile (310) 201-2110
www.BirdMarella.com

May 2, 2011

File No. 3565.2

BY HAND DELIVERY

Joseph D. Schleimer
9401 Wilshire Blvd., Suite 1250
Beverly Hills, CA 90212

Re: Lutfi v. Spears, et al.
LASC Case No. BC 406904

Dear Joe:

I am writing to "meet and confer" relating to your recently served notice of the deposition of Britney Jean Spears in the above-referenced case pending in the Los Angeles Superior Court. The accompanying enclosures, necessary to the meet and confer process, are explained below.

On April 27, 2011, Samuel D. Ingham, III, Ms. Spears' Court Appointed Counsel in the *Conservatorship of Britney Jean Spears, Conservatee*, LASC Docket No. BP 108870 sought and obtained from the Honorable Reva Goetz an Order Instructing Conservators (the "April 27, 2011 Order"). The content of the April 27, 2011 Order has been sealed pursuant to another order issued by Judge Goetz on April 27, 2011, an Order Granting Motion to Seal (the "Sealing Order"). The Sealing Order (copy enclosed) authorizes the Conservators and Mr. Ingham to disclose the content of the April 27, 2011 Order "subject to this Sealing Order to such persons and/or Courts as the Conservators and Mr. Ingham determine is necessary in order to protect Ms. Spears and to evidence that the Conservators are acting pursuant to this Court's considered Order."

As I noted above, the April 27, 2011 Order has been sealed by the Court. Because the April 27, 2011 Order contains medical information concerning Ms. Spears, it is subject to further laws governing privacy; thus, we have additionally designated it as Confidential and subject to the Stipulated Protective Order filed on February 15, 2011 in the above-titled case ("Protective Order"). Given the Court's Sealing Order and the Confidential designation, you and your client are not authorized to use or disseminate the April 27, 2011 Order or any of its content publically or for any purpose other than your pending litigation; nor may you file, quote from or summarize the content of the April 27,

Sharon Ben-Shahar
Terry W. Bird
Joel E. Boxer
Eric E. Bronson
Paul S. Chan
Jennifer S. Chang

Karis A. Chi
Mark T. Drooks
Thomas R. Freeman
Benjamin N. Gluck
David I. Hurwitz
Bruce L. Ishimatsu

Mitchell A. Kamin
Benjamin D. Lichtman
Gary S. Lincenberg
Vincent J. Marella
Marc E. Masters

Aparna S. Mathur
Bonita D. Moore
Ronald J. Nessim
Angela E. Oh
Thomas V. Reichert
Jean Y. Rhee

Ekwan E. Rhaw
John K. Rubiner
Peter J. Shakow
Michelle C. Tam
Dorothy Wolpert
Steven K. Yoda

Exhibit 64

25

BIRD | MARELLA

BIRD • MARELLA • BOXER • WOLPERT • NESSIM • DROOKS & LINCENBERG

Joseph D. Schleimer

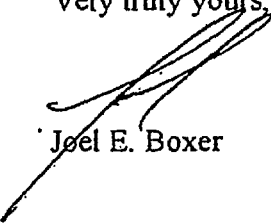
May 2, 2011

Page 2

2011 Order in a Court filing except in a sealed filing following the explicit procedures set out in Rule 2.551. However, consistent with the April 27, 2011 Order, the Conservators and Mr. Ingham have authorized me to disclose to you a copy of the April 27, 2011 Order as part of the required meet and confer process. Please see in the separately enclosed envelope designating this record as subject to the Sealing Order and Protective Order, a photocopy of a certified copy of the April 27, 2011 Order.

In light of the content of the April 27, 2011 Order, please advise if you withdraw your notice of the deposition of Ms. Spears in this case and will stipulate to not seek in the future to conduct Ms. Spears' deposition during the pendency of this litigation. Absent your so agreeing, I see no present alternative other than to seek a protective order consistent with Judge Goetz's April 27, 2011 Order. If you have alternative suggestions, please let me know in writing.

Very truly yours,



Joel E. Boxer

JEB:vmb
Enclosure

cc: Michael Adler (w/o encl., by email: madler@ta-llp.com)
Gary Wallace (w/o encl., by email: gwallace@gladstonemichel.com)

301028.1

FILED
LOS ANGELES SUPERIOR COURT

APR 27 2011

JOHN A. CLARKE, CLERK

Amundock
ANDREA MURDOCK, DEPUTY

SAMUEL D. INGHAM, III
State Bar No. 66279
9440 Santa Monica Boulevard
Suite 510
Beverly Hills, CA 90210-4608

Telephone: (310) 556-9751
Facsimile: (310) 5561311
E-mail: singham@inghamlaw.com

Court-Appointed Counsel for
BRITNEY JEAN SPEARS, Conservatee

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT

In re the Conservatorship of the Estate of

BRITNEY JEAN SPEARS,
Conservatee.

Case No. BP 108870

~~PROPOSED~~ ORDER INSTRUCTING
CONSERVATORS

Date: April 27, 2011
Time: 11:50 am
Room: 258
Judge: Hon. Reva Goetz

"CONFIDENTIAL" PER FEBRUARY 15, 2011
PROTECTIVE ORDER IN LASC BC 406904 AND
SUBJECT TO SEALING ORDER IN LASC BP 108870



~~PROPOSED~~ ORDER INSTRUCTING CONSERVATORS

BP 108870

"CONFIDENTIAL" PER FEBRUARY 15, 2011
PROTECTIVE ORDER IN LASC BC 406904 AND
SUBJECT TO SEALING ORDER IN LASC BP 108870

1 The PETITION FOR INSTRUCTIONS of SAMUEL D. INGHAM III as Court-
2 Appointed Counsel For BRITNEY JEAN SPEARS, conservatee, was presented on an ex parte
3 basis on April 27, 2011 at 11:00 a.m. in Department 9 of this Court.

4 The Court finds:

5 1. Notice of hearing was given as required by law. Pursuant to Probate Code
6 §1460(e), good cause exists for an order dispensing with notice as otherwise required by Probate
7 Code §1460.

8 2. Irreparable harm and immediate danger to the conservatee will result unless
9 the relief requested herein is granted on an ex parte basis.

10 3. By Order dated February 1, 2008 in this proceeding, Petitioner, SAMUEL
11 D. INGHAM III, was appointed to serve as counsel for BRITNEY JEAN SPEARS, the
12 conservatee, pursuant to Probate Code §1470(a). SAMUEL D. INGHAM III has not been
13 discharged and presently serves in that capacity. The PETITION FOR INSTRUCTIONS was filed
14 on behalf of the conservatee.

15 4. By Order dated February 1, 2008, JAMES P. SPEARS was appointed
16 temporary conservator of BRITNEY's person for an initial period expiring February 4, 2008. By
17 various orders, his letters of temporary conservatorship were extended. By minute order dated
18 October 28, 2008, JAMES P. SPEARS was appointed permanent conservator of BRITNEY's
19 person. Letters of conservatorship of the person were issued to JAMES P. SPEARS on January 9,
20 2009 and he continues to serve in that capacity.

21 5. By Order dated February 1, 2008, JAMES P. SPEARS and ANDREW M.
22 WALLET were appointed temporary co-conservators of BRITNEY's estate for an initial period
23 expiring February 4, 2008. By various orders, their letters of temporary conservatorship were
24 extended. By minute order dated October 28, 2008, JAMES P. SPEARS and ANDREW M.
25 WALLET were appointed permanent co-conservators of BRITNEY's estate. Letters of
26 conservatorship of the estate were issued to JAMES P. SPEARS and ANDREW M. WALLET on
27 January 9, 2009 and they continue to serve in that capacity.

28 6. The conservatee has been named as a party defendant in a civil action

1 captioned Sam Lutfi v. Lynne Irene Spears et al., Los Angeles Superior Court case no. BC 406
2 904 filed by SAM LUTFI (hereinafter, "The Lutfi Action"). The conservators of the estate have
3 appeared and are defending the Lutfi Action on the conservatee's behalf pursuant to Code of Civil
4 Procedure §372(a). The parties are presently in the process of discovery. A ten day jury trial has
5 been scheduled in Department 23 of this Court before the Honorable ZAVEN V. SINANIAN
6 beginning on January 12, 2012.

7 7. LUTFI has served a Notice of Deposition in the Lutfi Action for the
8 conservatee. The Notice of Deposition provides for the conservatee's deposition to take place on
9 April 28, 2011 at 9:00 a.m. at the office of LUTFI's counsel.

10 8. This Court in the above-captioned conservatorship proceeding appointed a
11 physician licensed in the State of California specializing in psychiatry and Board Certified by the
12 American Board of Psychiatry and Neurology as its Evidence Code §730 Expert by order dated
13 April 18, 2008. He has not been discharged and continues to serve in that capacity. *He has not*
14 *recent interview with the Conservatee took place on April 15, 2011.*

15 9. The Evidence Code §730 Expert stated in a verified declaration dated April
16 28, 2011 as follows: "It is my professional medical opinion that the conservatee would be placed
17 at unacceptable risk were she to be subjected to deposition, testimony at trial or psychiatric IME in
18 the pending current lawsuit from Osama Lutfi."

19 10. The within Order Instructing Conservators in the above-captioned
20 conservatorship proceeding is the only remedy available to the conservatee under the foregoing
21 facts and circumstances by virtue of the following:

22 a. This court has exclusive jurisdiction to make an order directing the
23 conservators to act.

24 b. The within Order Instructing Conservators involves the following
25 judicial functions which the legislature has entrusted to the Superior Court to be determined
26 exclusively under the conservatorship law in this conservatorship proceeding:

27 (1) Protection of the rights of a person who has been placed
28 under conservatorship;

(2) An assessment of the needs of the conservatee in order to

1 determine the appropriateness and extent of the conservatorship; and

2 (3) Providing for the health and psychological needs of the
3 conservatee to be met.

4 10. Requiring Ms. Spears to be questioned about the time period that is
5 the subject of the Lutfi Action by subjecting her to a deposition, trial testimony or any other kind
6 of examination, including without limitation, an independent medical examination, would put her
7 at unacceptable risk for short term and long term damage.

8 IT IS THEREFORE ORDERED THAT:

9 JAMES P. SPEARS, as conservator of the person, and JAMES P. SPEARS and
10 ANDREW M. WALLET, as co-conservators of the estate, are hereby instructed that they may not
11 under any circumstances produce the conservatee, BRITNEY JEAN SPEARS, for deposition,
12 testimony at trial, or any other kind of examination, including without limitation, an independent
13 medical examination in the civil action captioned Sam Lutfi v. Lynne Irene Spears et al., Los
14 Angeles Superior Court case no. BC 406 904.

15 IT IS SO ORDERED;

16
17
18 Date: 4/27/2011

Reva Goetz
Hon. Reva Goetz
Judge of the Superior Court



I certify that this is a true and correct copy of the
of pages 4 on file in this office consisting
of 4 pages. JON A. CLARKE, Executive Officer/Clerk of the
Superior Court of California, County of Los Angeles.

Date: APR 27 2011 By: C. Escobar, Deputy

C. ESCOBAR

1 GERALDINE A. WYLE, ESQ. (SBN 89735)
JERYLL S. COHEN, ESQ. (SBN 125392)
2 HOFFMAN, SABBAN & WATENMAKER
A Professional Corporation
3 10880 Wilshire Boulevard, Suite 2200
Los Angeles, California 90024
4 Telephone: 310.470.6010
Facsimile: 310.470.6735
5 Email: gwyle@hswlaw.com
jcohen@hswlaw.com

6 Attorneys for James P. Spears,
7 Co-Conservator of the Estate and
Conservator of the Person
8

9 ANDREW M. WALLET, ESQ. (SBN 93043)
HINOJOSA & WALLET, LLP
2215 Colby Avenue
10 Los Angeles, CA 90064-1504
Telephone: 310.473-7000
11 Facsimile: 310.473-1730
Email: awallet@handwlaw.com

12 Co-Conservator of the Estate
13

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF LOS ANGELES
16

17 In re the Conservatorship of the Person and
18 Estate of

19 BRITNEY JEAN SPEARS,

20 Conservatee.
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Case No. BP 108 870

ORDER GRANTING MOTION TO SEAL
EX PARTE PETITION FOR
INSTRUCTIONS AND PROPOSED
ORDER

Date: April 27, 2011

Time:

Dept.: 9

Judge: Hon. Reva Goetz

FILED
LOS ANGELES SUPERIOR COURT

APR 27 2011

JOHN A. CLARKE, CLERK

Amundock
ANDREA MURDOCK, DEPUTY

1 The Motion to Seal filed by James P. Spears, Conservator of the Person and Co-
2 Conservator of the Estate of Britney Jean Spears, by and through his attorneys of record, and
3 Andrew M. Wallet, Co-Conservator of the Estate of Britney Jean Spears (jointly, the
4 "Conservators"), pursuant to Cal. R. 2.550 and 2.551 seeking an order to seal certain described
5 pleadings, came on regularly before this Court on April 27, 2011. Jeryll S. Cohen of Hoffman,
6 Sabban & Watenmaker APC appeared on behalf of James P. Spears in his above-referenced
7 capacities. Andrew M. Wallet of Hinojosa & Wallet appeared on behalf of Andrew M. Wallet
8 as Co-Conservator of the Estate of Ms. Spears. Samuel D. Ingham III appeared as the court-
9 appointed PVP counsel on behalf of Ms. Spears.

10 The Court finds with regard to the documents and information addressed by this Order
11 that:

12 (1) Ms. Spears has strong interests in her constitutional right to privacy and her right
13 to maintain in confidence medical information. While the public has a general right of public
14 access to the record, any interest that the public might have in access to the documents and
15 information addressed by this Order is overcome by Britney's overriding interests. Cal. R. Court
16 2.550(d)(1).

17 (2) Ms. Spears' overriding interests in privacy and maintaining in confidence her
18 medical information support sealing the documents and information address by this Order. Cal.
19 R. Court 2.550(d)(2).

20 (3) There is substantial likelihood that these overriding interests in privacy and in
21 maintaining in confidence medical information will be prejudiced if the documents and
22 information addressed by this Order are not filed or maintained under seal. Cal. R. Court
23 2.550(d)(3).

24 (4) The proposed sealing is as narrowly tailored as possible. Cal. R. Court
25 2.550(d)(4).

26 (5) No less restrictive means exist to achieve Ms. Spears' overriding interests in
27 privacy and in maintaining in confidence her medical information. Cal. R. Court 2.550(d)(5).

28

1 Accordingly, GOOD CAUSE BEING FOUND, it is ORDERED that:
2 The Petition for Instructions filed by Samuel D. Ingham III on April 27, 2011, the related
3 Memorandum of Points and Authorities filed in support of the Petition for Instructions, the
4 resulting Order regarding the Petition, and all declarations and other pleadings filed in support of
5 or opposition to the Petition for Instructions, shall be filed under seal in their entirety; and the
6 Conservators shall be permitted to disclose, subject to this Sealing Order to such persons and/or
7 Courts as the Conservators and Mr. Ingham determine is necessary in order to protect Ms. Spears
8 and to evidence that the Conservators are acting pursuant to this Court's considered Order. *This*
9 *matter is set for further hearing on May 12, 2011 at 8:30 am.*

10 Dated: 4/27/2011

Reva G. Goetz
HON. REVA G. GOETZ
JUDGE OF THE SUPERIOR COURT

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3(c)). There is additional information on the reverse side of this form.

| ASSIGNED JUDGE | DEPT | ROOM | ASSIGNED JUDGE | DEPT | ROOM |
|---------------------------|------|------|-----------------------------|------|------|
| Hon. Elibu M. Berle | 1 | 534 | Hon. Holly E. Kendig | 42 | 416 |
| Hon. J. Stephen Czuleger | 3 | 224 | Hon. Mel Red Recana | 45 | 529 |
| Hon. Luis A. Lavin | 13 | 630 | Hon. Aurelio Munoz | 47 | 507 |
| Hon. Terry A. Green | 14 | 300 | Hon. Elizabeth Allen White | 48 | 506 |
| Hon. Richard Fruin | 15 | 307 | Hon. Conrad Aragon | 49 | 509 |
| Hon. Rita Miller | 16 | 306 | Hon. John Shepard Wiley Jr. | 50 | 508 |
| Hon. Mary Thornton House | 17 | 309 | Hon. Abraham Khan | 51 | 511 |
| Hon. Helen I. Bendix | 18 | 308 | Hon. Susan Bryant-Deason | 52 | 510 |
| Hon. Judith C. Chirlin | 19 | 311 | Hon. John P. Shook | 53 | 513 |
| Hon. Kevin C. Brazile | 20 | 310 | Hon. Ernest M. Hiroshige | 54 | 512 |
| Hon. Zaven V. Sinanian | 23 | 315 | Hon. Malcolm H. Mackey | 55 | 515 |
| Hon. Robert L. Hess | 24 | 314 | Hon. Jane L. Johnson | 56 | 514 |
| Hon. Mary Ann Murphy | 25 | 317 | Hon. Ralph W. Dau | 57 | 517 |
| Hon. James R. Dunn | 26 | 316 | Hon. Rolf M. Treu | 58 | 516 |
| Hon. Yvette M. Palazuelos | 28 | 318 | Hon. David L. Minning | 61 | 632 |
| Hon. John A. Kronstadt | 30 | 400 | Hon. Michael L. Stern | 62 | 600 |
| Hon. Alan S. Rosenfield | 31 | 407 | Hon. Kenneth R. Freeman | 64 | 601 |
| Hon. Mary H. Strobel | 32 | 406 | Hon. Mark Mooney | 68 | 617 |
| Hon. Charles F. Palmer | 33 | 409 | Hon. Edward A. Ferns | 69 | 621 |
| Hon. Amy D. Hogue | 34 | 408 | Hon. Soussan G. Bruguera | 71 | 729 |
| Hon. Gregory Alarcon | 36 | 410 | Hon. Ruth Ann Kwan | 72 | 731 |
| Hon. Joanne O'Donnell | 37 | 413 | Hon. Teresa Sanchez-Gordon | 74 | 735 |
| Hon. Maurcen Duffy-Lewis | 38 | 412 | Hon. William F. Fahey | 78 | 730 |
| Hon. Michael C. Solner | 39 | 415 | Hon. Carl J. West* | 311 | CCW |
| Hon. Ann I. Jones | 40 | 414 | Other | | |
| Hon. Ronald M. Sohigian | 41 | 417 | | | |

***Class Actions**

All class actions are initially assigned to Judge Carl J. West in Department 311 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk
By _____, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

1 Joseph D. Schleimer - Bar No. 125049
2 9401 Wilshire Boulevard, Suite 1250
3 Beverly Hills, California 90212
4 Telephone: (310) 273-9807
5 Telecopier: (310) 273-9809
6 schleimerlaw@msn.com

7 Attorney for Plaintiff Sam Lutfi

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAY 01 2012

John A. Clarke, Executive Officer/Clerk
BY Amber LaFleur-Clayton, Deputy

8 **SUPERIOR COURT OF CALIFORNIA**
9 **FOR LOS ANGELES COUNTY**

10 **SAM LUTFI, an individual,**
11 **Plaintiff,**

12 **vs.**

13 **LYNNE IRENE SPEARS, an**
14 **individual; JAMES PARNELL**
15 **SPEARS, an individual; BRITNEY**
16 **JEAN SPEARS, an individual; and**
17 **DOES 1 through 25, inclusive,**

18 **Defendants.**

Case No. BC 406904 71

NOTICE OF REASSIGNMENT

19 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD HEREIN:**

20 **PLEASE TAKE NOTICE** that this case has been reassigned, for all
21 purposes, to the Hon. Soussan G. Bruguera as an Individual Calendar (I/C)
22 Judge. A copy of the Notice of Case Reassignment is attached hereto.

23 **Dated: April 25, 2012**

JOSEPH D. SCHLEIMER
ATTORNEY AT LAW

24
25
26 BY: Joseph D. Schleimer, Attorney for
27 Plaintiff Sam Lutfi
28

Notice of Case Reassignment
LASC No. BC406904

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NOTICE SENT TO:

Schleimer, Joseph D., Esq. .
9401 Wilshire Blvd., Ste. 1250
Beverly Hills CA 90212

ORIGINAL FILED
FILE STAMP

APR 24 2012

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

SAM LUTFI

Plaintiff(s),

VS.

LYNNE IRENE SPEARS ET AL

Defendant(s).

CASE NUMBER

BC406904

Notice of Case Reassignment and of
Order for Plaintiff to Give Notice

TO THE PLAINTIFF(S) AND PLAINTIFF'S ATTORNEY OF RECORD or PLAINTIFF(S) IN
PROPRIA PERSONA:

YOU ARE HEREBY NOTIFIED that effective May 1, 2012, an order was made that the above-entitled action, previously assigned to Michael C. Solner, is now and shall be assigned to Soussan G. Bruguera as an Individual Calendar (IC), direct calendaring judge for all purposes, including trial, in Department 71. (See Chapter 7, Los Angeles Court Rules.) All matters on calendar in this case are advanced to this date, vacated, to be rescheduled in the newly assigned Department indicated above unless otherwise ordered by the court.

NOTICE IS FURTHER GIVEN that the order directs that plaintiff and counsel for the plaintiff shall give notice of this all purpose case assignment by serving a copy of this Notice on all parties to this action within 10 days of service of this Notice by the court, and file proof of service thereof within 12 days of this Notice. Failure to timely give notice and file proof of service may lead to imposition of sanctions pursuant to Code of Civil Procedure Section 177.5 or otherwise.

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Reassignment and Order upon each party or counsel named above by depositing in the United States mail at the courthouse in Los Angeles California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid.

Date: April 24, 2012

John A. Clarke, EXECUTIVE OFFICER/CLERK

By C. CHESEBRO, Deputy Clerk

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1 **PROOF OF SERVICE**
2 **BY FAX & U.S. MAIL**

3 I am employed in the County of Los Angeles, State of California. I am
4 over the age of 18 and not a party to the within action. My business address
5 is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

6 On ***April 25, 2012*** I served the foregoing document described as:
7 ***NOTICE OF REASSIGNMENT*** on the interested parties in this action by
8 placing a true copy thereof enclosed in sealed envelopes addressed as follows:

9 See attached service list

10 **BY U. S. MAIL**

11 I deposited the sealed envelopes in the United States mail at Beverly
12 Hills, California, addressed as stated above. The envelopes were mailed
13 with first class postage thereon fully prepaid.

14 **BY TELECOPIER:**

15 I transmitted a copy of this document by telecopier to each of the fax
16 numbers set forth on the service list.

17 Executed on ***April 25, 2012*** at Beverly Hills, California.

18 (State) I declare under penalty of perjury under the laws of the
19 State of California that the above is true and correct.

20 Joseph D. Salbina
21 Type or Print Name

22 [Signature]
23 Signature

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Service List
Lutfi v Spears

Joel E. Boxer, Esq.
Bonita D. Moore, Esq.
Bird Marella Boxer Wolpert
Nessim Dooks & Lincenberg
1875 Century Park East, 23rd Floor
Los Angeles, California 90067
Fax No. (310) 201-2110

Leon J. Gladstone, Esq.
Gary R. Wallace, Esq.
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4551 Glencoe Avenue 300
Marina Del Rey, CA 90292
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*Attorneys for James Spears as
Conservator of the Estate of Britney
Spears*

*Attorneys for Defendant James P.
Spears*

Stephen F. Rohde, Esq.
Rohde & Victoroff
1880 Century Park East 411
Los Angeles, California 90067
Fax No. (310) 277-1485

*Attorneys for Defendant Lynne Irene
Spears*

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BY FEDERAL EXPRESS
[C.C.P. §1013(c)]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On ***September 10, 2012*** I served the foregoing document described as: ***OPPOSITION TO CONSERVATORS' MOTION IN LIMINE NO. 1 [Quash C.C.P. §1987 Notice - Britney Spears to Testify at Trial] *** on the interested parties in this action by placing a true copy thereof enclosed in a sealed Federal Express envelope addressed as follows:

See attached service list.

BY FEDERAL EXPRESS:

I deposited the envelope in the Federal Express depository box in our building at 9401 Wilshire Boulevard, Beverly Hills, California, in time for the pick-up scheduled for 5:00 p.m. The Federal Express envelope was marked for overnight delivery with payment provided for.

Executed on ***September 10, 2012*** at Beverly Hills, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Type or Print Name

Signature

Service List
Lutfi v Spears

Joel E. Boxer, Esq.
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Bird Marella Boxer Wolpert
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Conservator of the Estate of Britney
Spears*

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